

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 1880-01  
Bill No.: HB 565  
Subject: Economic Development Dept.; Licenses – Professional; Pharmacy  
Type: Original  
Date: March 10, 2003

---

**FISCAL SUMMARY**

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
<b>Total Estimated Net Effect on General Revenue Fund</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
<b>Total Estimated Net Effect on Other State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: ( ) indicate costs or losses.  
This fiscal note contains 4 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

### FISCAL ANALYSIS

#### ASSUMPTION

Officials from the **Department of Economic Development – Division of Professional Registration** and the **Office of the State Courts Administrator** assume the proposal would have no fiscal impact on their office.

Officials from the **Office of the Attorney General** assume any potential costs arising from this proposal can be absorbed with existing resources.

Officials from the **Administrative Hearing Commission (AHC)** anticipate this proposal will not significantly alter its caseload. AHC notes if other similar proposals also pass, creating more cases or more complex cases, there could be a fiscal impact.

<u>FISCAL IMPACT - State Government</u>	FY 2004 (10 Mo.)	FY 2005	FY 2006
	<u><b>\$0</b></u>	<u><b>\$0</b></u>	<u><b>\$0</b></u>

FISCAL IMPACT - Local Government

FY 2004  
(10 Mo.)

FY 2005

FY 2006

\$0

\$0

\$0

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

DESCRIPTION

This proposal modifies the law relating to pharmacists, pharmacies, pharmaceutical services, and drug distributors.

The Board of Pharmacy may place the names of pharmacy technicians on the employee disqualification list. If the Board refuses to issue a certificate of registration, the Board shall notify the applicant of their right to file a complaint with the Administrative Hearing Commission (AHC) (Section 338.013).

The Board may refuse to renew any certificate of registration or license. The Board may restrict or suspend any license or registration if the conduct of the licensee or registrant constitutes a danger to the health and safety of the public. Within 10 business days of such restriction or suspension, the Board shall file a complaint before the AHC requesting an expedited hearing and decision (Section 338.055).

The Board may conduct a disciplinary hearing on an applicant who has been disciplined by another state, territory, or federal agency (Section 338.065).

Any unlicensed person or entity that fails to maintain the required license will be subject to civil penalties (not to exceed \$100,000 for each violation) by the Board. Any person who receives notice concerning the imposition of a civil penalty may file an appeal with the AHC (Section 338.075).

The Board shall have the authority to administer oaths, issue subpoenas, and require production of documents and records (Section 338.145).

KLR:LR:OD (12/02)

DESCRIPTION (continued)

Any person who in good faith reports or provides services pursuant to Chapter 338, RSMo, shall be immune from civil liability (Section 338.155).

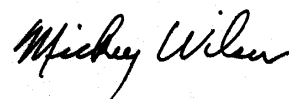
Adds two new classes of pharmacy permits: nonsterile compounding (replaces home health care) and internet (Section 338.220).

The Board shall have the authority to terminate the distribution of prescription drugs that have been adulterated, misbranded, or stolen (Section 338.380).

This proposal is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Economic Development – Division of Professional Registration  
Office of the State Courts Administrator  
Office of the Attorney General  
Office of Administration – Administrative Hearing Commission



MICKEY WILSON, CPA  
DIRECTOR

MARCH 10, 2003